

REMARKS

This Amendment and Reply is intended to be completely responsive to the Non-Final Office Action dated July 9, 2008. Applicants respectfully request reconsideration of the present Application in view of the following remarks. Claims 1-41 have been rejected. No amendments or cancelations have been made to the claims. Accordingly, Claims 1-41 will remain pending in the present Application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claim Rejections – 35 U.S.C. § 103

On pages 2-6 of the Office Action, the Examiner rejected Claims 1-12 and 18-41 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,366,104 to Armstrong (“Armstrong”) in view of U.S. Patent Publication No. 2002/0148846 to Luburic (“Luburic”) and U.S. Patent No. 4,848,575 to Nakamura et al. (“Nakamura et al.”). On pages 6-7 of the Office Action, the Examiner rejected Claims 13-17 under 35 U.S.C. § 103(a) as being unpatentable over Armstrong, Luburic and Nakamura et al. in further view of U.S. Patent No. 5,699,912 to Ishikawa et al. (“Ishikawa et al.”). These rejections should be withdrawn because the cited references, whether taken alone or in any proper combination, fail to disclose, teach or suggest the claimed inventions.

For example, independent Claim 1 recites “hermetic storage system for containing wipes” comprising, in combination with other elements, a “separate collar coupled to the open first end of the container, the collar formed of a second material and having a first portion extending outwardly, a second portion extending downwardly, and a first connector extending upwardly and surrounding an aperture, the flexible film material being coupled to an outer periphery of the second portion” (emphasis added).

Also, independent Claim 24 recites a “hermetic storage system for containing wipes” comprising, in combination with other elements, a “separate collar coupled to the open first end and having a first portion extending outwardly, a second portion extending downwardly, and a peripheral edge extending upwardly and surrounding an aperture, the flexible film material being coupled to an outer periphery of the second portion” (emphasis added).

Further, independent Claim 30 recites a “hermetic storage system for containing wipes” comprising, in combination with other elements, a “separate collar coupled to the open first end and having a first portion extending outwardly, a second portion extending downwardly, and a groove surrounding an aperture, the flexible film material being coupled to an outer periphery of the second portion” (emphasis added).

Further still, independent Claim 31 recites a “hermetic storage system for containing wipes” comprising, in combination with other elements, a “separate collar coupled to the open first end of the container and having a first portion extending outwardly, a second portion extending downwardly, and an upstanding projection approximate an aperture, the flexible film material being coupled to an outer periphery of the second portion” (emphasis added).

Further still, independent Claim 32 recites a “hermetic storage system for containing wipes” comprising, in combination with other elements, a “separate collar coupled to a first end of the receptacle and having a first portion extending outwardly, a second portion extending downwardly, and one of a groove and a key, the flexible film material being coupled to an outer periphery of the second portion,” (emphasis added).

Further still, independent Claim 35 recites a “method for making a hermetic storage system for containing wipes” comprising, in combination with other steps, “providing a collar formed independent of the container as a separate member the collar having a first portion extending outwardly, a second portion extending downwardly, and a first connector extending upwardly and surrounding an aperture” and “coupling the flexible film material to an outer periphery of the second portion” (emphasis added).

Armstrong, whether taken alone or in any proper combination with Luburic, Nakamura et al. and/or Ishikawa et al., fails to disclose, teach or suggest such hermetic systems or such a method for making a hermetic storage system.

In rejecting independent Claims 1, 24, 30, 31, 32 and 35, the Examiner stated:

Armstrong '104 discloses a hermetic storage system for containing wipes comprising: a flexible container (11) having a collar (flange 21) which has a first portion extending outwardly away from outboard edge, a second portion extending downwardly and a first t connector (rolled over section 19) extending upwardly and surrounding an aperture (see figures 5 and 6); the flexible container being coupled to an outer periphery of the second portion

Applicants respectfully disagree that Armstrong discloses coupling a flexible container to an outer periphery of a portion of a separate collar that extends downwardly as asserted by the Examiner. The Examiner has directed Applicants attention to Figures 5 and 6 in Armstrong for allegedly disclosing this subject matter. However, as these figures clearly show, the “base 11,” the “rolled over section 19” and the “first flange 21” are integrally formed to provide a one-piece base for a container. As such, the “base 11” is not coupled to an outer periphery of the “rolled over section 19,” but rather is a continuous extension of the “rolled over section 19” which is in turn a continuous extension of the “first flange 21.” While it may be accurate to state that Armstrong discloses that the “base 11” is coupled to the “rolled over section 19,” there is no support for an argument that Armstrong discloses that the “base 11” is coupled to an outer periphery of the “rolled over section 19.” Any argument that Armstrong discloses, teaches or suggests coupling a flexible container to an outer periphery of a separate collar must fail. To hold otherwise would vitiate the language “to an outer periphery surface” used in the claims.

Applicants submit that neither Luburic, Nakamura et al. nor Ishikawa et al. correct the deficiency of Armstrong as a prior art reference.

Accordingly, Applicants respectfully request withdrawal of the rejection of Claims 1, 24, 30, 31, 32 and 35 under 35 U.S.C. § 103(a) since at least one element of such claims is not disclosed, taught or suggested by Armstrong, whether taken alone or in any proper combination

with Luburic, Nakamura et al. and/or Ishikawa et al. Claims 2-23, 25-29, 33, 34 and 36-41 depend variously from Claims 1, 24, 30, 31, 32 and 35 and are allowable therewith, for at least the reason set forth above, without regard to further patentable limitations set forth in such claims. Reconsideration and withdrawal of the rejection of Claims 1-41 is respectfully requested.

* * *

Applicants respectfully submit that each and every pending rejection has been overcome, and that the present Application is in a condition for allowance. In particular, even when the elements of Applicants' claims, as discussed above, are given a broad construction and interpreted to cover equivalents, the cited references do not teach, disclose, or suggest the claimed subject matter. Favorable reconsideration of the Application is respectfully requested.

Further, Applicants respectfully put the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

The Examiner is encouraged to contact the undersigned by telephone if the Examiner believes that another telephone interview would advance the prosecution of the present Application. Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

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